



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Mary Ann Oppas, Secretary

In the Application of Melvin Hatch

Ser.No.: 09/941,029

Appeal No: 2005-0941

Filed: August 28, 2001

For: HEAT CONDUCTING SUPPORT FOR CURVED BOTTOM VESSELS

Art Unit: 3727

Examiner: Joseph C. Merek

Board of Patent Appeals and Interferences
Alexandria VA 22313-1450

MAIL STOP APPEAL BRIEF

REQUEST FOR RECONSIDERATION IN PART

Sir:

Applicant respectfully requests reconsideration of the rejection of claims 9 and 10.

As stated by the Board, for prior art to be analogous it must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. As stated in the first paragraph of MPEP section 2141.01(a), the field of endeavor is Applicant's endeavor.

With this in mind, it is respectfully submitted that Applicant's field of endeavor, as defined in the preamble of claim 1, is "a heat-conducting support for a round or curved bottom vessel". The particular problem with which the inventor was concerned was how to provide both good support to a vessel, as well as good heat transfer thereto from a flat heated surface (see page 2 of Applicant's specification).

In contrast, the field of endeavor of Spremulli is clearly a "garbage can". Furthermore, the problem addressed by Spremulli is how to make such a garbage can extremely sanitary. It is respectfully submitted that one of ordinary skill in the art, seeking to solve the problem of providing good support to a vessel as well as good heat transfer thereto, would not reasonably be expected or motivated to look to a garbage can disclosure.

The field of endeavor of Emmer is culinary utensils, and in particular a plate for supporting glass bottles or decanters. The problem addressed by Emmer is the provision of a plate for receiving and firmly supporting glass bottles or decanters of a coffee making apparatus. It is respectfully submitted that a person of ordinary skill in the art, seeking to solve the problem of how to not only provide good support to a vessel, but also good heat transfer thereto, would not reasonably be expected or motivated to look to a coffee bottle supporting plate and handle disclosure.

The field of endeavor of Margulies is a paper sundae dish. The problem addressed by Margulies is how to make a paper sundae dish that is conical yet properly locates the ice cream and sauce or topping in the sundae dish. It is respectfully submitted that one of ordinary skill in the art, seeking to solve the problem of both providing a good support to a vessel as well as a good heat transfer thereto, would not reasonably be expected or motivated to look to a paper sundae dish disclosure.

Just because an object is made of metal (and hence would conduct heat) does not make it a heat-conducting support. For example, a car made of metal would inherently conduct heat, but would certainly not be considered a heat-conducting support.

In view of the foregoing discussion, Applicant respectfully requests that the rejections of claims 9 and 10 be reversed and that these claims be held allowable.

Respectfully Submitted,



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